HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18752 of 1997

Dated 7th March, 2007

Between

N.Narasinga Rao

…Petitioner

and

The District Revenue Officer, Ranga Reddy District,
Hyderabad, and ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 18752 of 1997

ORDER:

In this Writ Petition, the petitioner has questioned the order dated 17-3-1997 passed by the District Revenue Officer, Ranga Reddy District, by which, the request of the petitioner for correction of entries in the Record of Rights was rejected.

The petitioner claims to be the owner and possessor of the land admeasuring Ac.5.14 guntas covered by Sy.Nos. 157, 173, 256 and 299 of Nizampet village in Kutubullapur Mandal, Ranga Reddy District. It is his case that the above said land fell to the share of his father by name Sri Buchhaiah during the partition between Sri Golla Ramaiah and Sri Buchhaiah. It is stated that after demise of his father in the year 1971, the said property devolved on him. It was his case that during 1971-72, the names of the unofficial respondents herein were brought in Column No. 11 of the Pahanies as Pattadars without

any approval by the competent authority, and, as such, he filed an application before the District Revenue Officer, Ranga Reddy District under Section 15(2) of the Record of Rights in Land Regulations 1358 Fasli to correct the entries in the revenue records.

The respondents have contested the above said application, stating that the father of the petitioner, Sri Buchhaiah, was never in enjoyment of the said lands as pattadar and possessor, and, he is not concerned with the land in question. It is stated that the lands in question belong to one Masti Golla Ramaiah, who during his lifetime sold the same to unofficial respondents herein. It is further stated that after the death of Golla Ramaiah on 14-7-1964, his son and brothers again confirmed the sale and sold the said land to the respondents herein for valuable consideration and when Golla Ramaiah's son failed to execute the registered sale deed, the respondents filed suit in O.S. No. 101 of 1969 on the file of the learned Munsif Magistrate, Hyderabad East and North, and, basing on the said decree, their names were mutated in the revenue records as pattadars.

The Tribunal below, by impugned order, rejected the application filed by the petitioner by recording a finding that the names of the respondents were entered in the revenue records particularly in Column No.11 of the Pahanies basing on the judgment and decree dated 28-11-1969 in O.S,.No. 101 of 1969. Further, it is stated that the petitioner failed to submit any documentary evidence in support of his claim that he is the shareholder of the subject land and the said land fell to the share of his father during the partition between late Golla Ramaiah, i.e. original pattadar and, Butchaiah, who is petitioner's father.

Though the petitioner is claiming that he is the possessor of the

subject land by virtue of partition between Golla Ramiah and Butchaiah, but however, no documentary evidence was filed in support of his claim. Before entering the names of the unofficial respondents in Column No.11 of Record of Rights with regard to subject land, only the name of Golla Ramaiah was mentioned as pattadar. In any event, names of the unofficial respondents have been entered in the pahanies basing on the decree of the Civil Court, which the respondents have obtained against the son of late Musti Golla Ramaiah. As much as the very right of the petitioner that the subject land fell to his father's share in partition is disputed, and, at no point of time the name of the petitioner's father was found in the revenue records, roving enquiry cannot be conducted in this petition, which is filed under Article 226 of the Constitution of India. If the petitioner claims that he is the owner and possessor of the subject land, and the same fell to the share of his father, he can agitate the same by filing a suit as contemplated under Section 8 (2) of the A.P. Rights in Land and Pattadar Pass books Act,1971. But, in the absence of any proper evidence, it is not possible to issue directions for correction as sought for in the Writ Petition. In that view of the matter, I do not find any illegality in the order passed by the District Revenue Officer, which warrants interference in this Petition filed under Article 226 of the Constitution of India. Further, it is doubtful whether the said authority is having any power for correction in view of the provision under Rule 15 of the AP Rights in Land and Pattadar Passbooks Rules, 1989.

For the foregoing reasons, the Writ Petition is dismissed leaving open to the petitioner to pursue any other remedies open under law. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 07-03-2007.
Msnr.